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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,648	12/30/2003	Eugenio Go Varona	17986	6897
23556	7590	10/06/2005	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			SALVATORE, LYNDA	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

15 ✓

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/748,648	VARONA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lynda M. Salvatore	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 July 2005.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4 and 6-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4, 6-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and accompanying remarks filed 7/25/05 have been fully considered and entered. Claim 5 has been canceled and claims 6-7,12 and 14 have been amended as requested. Applicant's cancellation of claim 5 renders moot the claim objection set forth in section 1 of the last Office Action. Applicant's amendments to claims 6-7 and 14 are found sufficient to overcome the 112 2<sup>nd</sup> paragraph rejections set forth in section 3 of the last Office Action. As such, these rejections are hereby withdrawn. Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

### ***Claim Rejections - 35 USC § 103***

2. Claims 1-10, 17 and 21 stand rejected under 35 U.S.C. 103(a) as being obvious over Annable US 2002/0134493 in view of Lampila et al., EP 1 091 035 A1.

Applicant argues that the combination of prior art cited above does ~~not~~ teach the claimed invention. Specifically, Applicant argues that the primary reference of Annable only briefly mentions forming a multi-layer non-woven article and is silent with regard to pore size. Applicant further argues that the secondary reference of Lampila et al., only teach forming hydroentangled webs and gives very broad ranges for effective pore radii. Thus, Applicant argues a lack of motivation to combine references. This argument is not found persuasive.

With regard to Applicant's argument that the primary reference only briefly mentions providing a multi-layer non-woven, it is the position of the Examiner that though the primary reference of Annable may not exemplify a multi-layer non-woven it would be improper to ignore the disclosure directed to such a multi-layer article. With regard to Applicant's arguments that

the primary reference of Annable is silent with respect to pore size, it is respectfully pointed out that Annable was relied upon to teach a microcreped multi-layer non-woven article.

Recall, the patent issued to Annable teaches a microcreped wiper comprising a microcreped non-woven web comprising crimped fibers (Abstract and Section 0030). Annable teaches that the non-woven web maybe formed by such processes including meltblowing, spunbonding or carding (Section 0025). Said microcreped non-woven may also be a single or multi-layer meltblown or coform web (Section 0039). Annable failed to teach a first layer having a pore radius greater than 100 microns, however, the secondary reference of Lampila et al., teaches a microcreped non-woven having a pore size greater than 100 microns (Section 0016 and 0019). The secondary reference of Lampila et al., was relied upon to teach a micro-creping process which produces the claimed pore sizes. Specifically, Lampila et al., teach a non-woven with a pore size distribution of at least 30% having a radius greater than 100 microns and at least 5% having a radius less than 70 microns.

With regard to the hydroentangled non-woven argument, it appears that the micro-creping process is independent of the construction of the non-woven since both references teach micro-creping a variety of non-woven types (e.g., melt-blown, spundbond, and/or hydroentangled). Thus, the construction of the Lampila et al., non-woven (e.g., hydroentangled) is not considered relevant at this time. Lampila et al., specifically teach that the non-woven fabric is textured which imparts wavy depressions and ridges to the surface of the material. In addition, small pores capable of rapid liquid absorption are incorporated into the depressions of the non-woven (section 0015 and 0022). Thus, employing the microcreping method of Lampila et al., to the multi-layer non-woven artcle of Annable would meet the limitations of providing a first non-

woven layer having a pore size greater than 100 microns and a second non-woven layer having a pore size of less than 100 microns. It should also be noted that less than 100 microns would also include values of zero and less.

Lampila et al., further teaches that the microcreping process improves the bulk or thickness of the non-woven to provide cloth like properties (Section 0015). In addition, due to the crimped fibers present in the non-woven, the microcreping process also provides improved liquid distribution, drying properties and absorption rates (Section 0022). Therefore, the Examiner maintains that sufficient motivation exists to combine the cited references. Specific motivation is found in the desire to provide a wiper having improved liquid distribution, drying properties and absorption rates.

6. Claims 11-16, 18-20,22 and 23 stand rejected under 35 U.S.C. 103(a) as being obvious over Annable US 2002/0134493 in view of Lampila et al., EP 1 091 035 A1 as applied to claim 1 above and further in view of Clark et al., US 6,723,669.

The above rejection is maintained and Applicant has not provided any new arguments for which to consider.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 3, 2005  
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